

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6731

BILL NUMBER: HB 1152

DATE PREPARED: Mar 30, 1999

BILL AMENDED: Mar 30, 1999

SUBJECT: Assistive device warranties.

FISCAL ANALYST: Susan Preble

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FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) Provides that the manufacturer for an assistive device purchased by, or leased or transferred to a consumer in Indiana after June 30, 1999 warrants that for one year after the assistive device is first delivered to the consumer: (1) the assistive device will be free from a nonconformity when used as intended and, (2) that any nonconformity will be repaired (including parts and labor, without charge to the consumer.

It provides that the statutory warranty is in addition to any other warranties provided by the manufacturer and specifies the obligations of the manufacturer when a consumer returns a nonconforming assistive device.

It also provides that an assistive device returned due to nonconformity in Indiana or another state may not be sold in Indiana without full disclosures to the prospective buyer or lessee.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) This bill allows consumers to bring a civil action to recover damages caused by a violation of the provisions referenced above. If the number of civil filings increase, the revenue from filing fees also increases. The civil action filing fee is \$100. If the action is filed in a trial court, 70% is deposited into the state General Fund. If the action is filed in a city or town court, the State General Fund receives 50%.

Explanation of Local Expenditures: (Revised) Additional civil action filings may increase the caseloads of some trial courts or city or town courts. The county general fund pays the trial courts' operating expenses. The general fund of the city or town in which the court is located pays the expenses of the city and town courts.

Explanation of Local Revenues: (Revised) If the action is filed in trial court, the county general fund receives 27% of the \$100 filing fee. The other 3% is deposited in the general fund of the cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county, or municipal court located in the county.

State Agencies Affected:

Local Agencies Affected: Trial courts; circuit court clerks

Information Sources: 1997 Indiana Judicial Report, Vol. I.